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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

9 JOHN CARLO FREE,

10 Petitioner,

Case No. C19-1551-TSZ-MAT

11 v.

ORDER RE: PENDING MOTIONS

12 JAMES KEY,

13 Respondent.

14
15 Petitioner proceeds pro se and *in forma pauperis* in this 28 U.S.C. § 2254 habeas matter.
16 He filed several motions for the Court's consideration. (Dkts. 14, 15, 17.) The Court, considering
17 the motions, any response, and the remainder of the record, hereby ORDERS as follows:

18 (1) Petitioner's Motion for Extension of Time to File a Reply to Respondent's Answer
19 (Dkt. 14) is GRANTED. The Court finds petitioner's request for additional time reasonable. As
20 requested, petitioner's filing deadline is herein extended to **April 13, 2020**. Respondent's Answer
21 is RENOTED for consideration on **April 17, 2020** and respondent may file and serve a reply no
22 later than the revised noting date.

23 (2) Petitioner's Motion to Supplement the Relevant State Record (Dkt. 15) is

1 DENIED. Respondent complied with the Rules Governing Section 2254 cases in submitting the
2 record and the Court is not persuaded, at least at this juncture, additional materials are necessary
3 for the Court's consideration of the habeas petition. Further, and as suggested by respondent,
4 should the Court's review of the briefing and records submitted in relation to the petition reveal
5 the need for additional records, the Court will order respondent to supplement the record
6 accordingly. *See* Rule 5(c) of the Rules Governing 2254 Cases.

7 (3) Petitioner also seeks the appointment of counsel. There is no right to have counsel
8 appointed in cases brought under 28 U.S.C. § 2254 unless an evidentiary hearing is required. *See*
9 *Terravona v. Kincheloe*, 852 F.2d 424, 429 (9th Cir. 1988); *Brown v. Vasquez*, 952 F.2d 1164,
10 1168 (9th Cir. 1992); and Rule 8(c) of the Rules Governing Section 2254 Cases in the United
11 States District Courts. The Court may exercise its discretion to appoint counsel for a financially
12 eligible individual where the "interests of justice so require." 18 U.S.C. § 3006A. Here, petitioner
13 fails to demonstrate the interests of justice are best served by appointment of counsel at the present
14 time. Accordingly, petitioner's motion for appointment of counsel (Dkt. 17) is DENIED.

15 (4) The Clerk shall send copies of this Order to the parties and to the Honorable
16 Thomas S. Zilly.

17 DATED this 5th day of February, 2020.

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20 Mary Alice Theiler
21 United States Magistrate Judge
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